IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7212 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HASMUKHBHAI C PATEL

Versus

AHMEDABAD MUNICIPAL CORPN.

Appearance:

MR SANJAY M AMIN for Petitioner

MR DC RAWAL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner is praying for following reliefs in this petition:

to issue a writ of certiorari or any other appropriate writ, direction or order of this Hon'ble Court and to quash and set aside the action of the respondent of confirming the petitioner as Supervisor in the grade of Rs.950-1500 instead of confirming the petitioner as Technical Supervisor in the grade of Rs.1350-2200 as being bad in law, arbitrary, erroneous, unjust, illegal and unconstitutional

to issue a writ of mandamus or any other appropriate writ, direction or order of this Hon'ble Court and to direct the respondent to confirm the petitioner as Technical Supervisor in the grade of Rs.1350-2200 as from the relevant date with all consequential benefits

to issue a writ of certiorari or any other appropriate writ, direction or order to this Hon'ble Court and to quash and set aside the action on the part of the respondents in not giving the salary as well as all other consequential benefits payable and available to the post of Technical Supervisor on the basis of equal pay for equal work from the date of appointment i.e. 23.3.83 and would be further pleased to direct the respondent to pay the same to the petitioner

to direct the respondent to confirm the petitioner as a Technical Supervisor in the grade of Rs.1350-2200 with all consequential benefits forthwith, pending the admission, hearing and final disposal of this petition...

#. The learned counsel for the petitioner does not dispute that the petitioner was appointed on the post of Supervisor for which the minimum qualification was S.S.C. pass. The pay scale of this post is Rs.950-1500. It is also not in dispute that there is another post under the caption, "Technical Supervisor" for which as per the case of the petitioner, minimum qualification is Electrical/ Mechanical Certificate course and as per reply filed today in the court by the Corporation, it is a higher post for which minimum qualification is diploma or degree in Electrical or Mechanical Engineers. The petitioner was confirmed on the post of Supervisor. It is also clear from the record that the petitioner was appointed as Supervisor and rightly he was continued on the said post. The claim of the petitioner for the post of Technical Supervisor does not stand to any merits for the

reason that on the basis of different qualifications, different pay scales can be prescribed even for the same post whereas in this case these are two different posts and with different pay scales. It is to be mentioned that the pay scale for the post of Technical Supervisor is Rs.1350-1500. This matter is squarely covered by decision of the Apex court in the case of Shyam Babu Verma v. Union of India & anr., reported in 1994(2) SCC 521. In the result, this petition fails and the same is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated. No order as to costs.

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(sunil)